

ADDENDUM NO. 1

TO: ALL BIDDERS OF RECORD

PROJECT: French Creek Fish Barrier Rebid-2 Project

FWP PROJECT #: 17-12

DATE: 11/20/2018

FROM: J.D. Emmert, Pioneer Technical Services

Acknowledge receipt of this addendum by inserting its number and date in the Proposal Form and on the Bid Envelope. Failure to do so may subject bidder to disqualification.

This Addendum forms a part of the Contract Documents. Clarification and/or modifications are as follows:

Questions and Clarifications

1. **Question:** Can FWP provide the permits that have been obtained for the project?

Response: See attached permits. Contractor is still responsible for obtaining all required and applicable permits beyond those included here.

2. **Question:** Can FWP provide the anticipated culvert sizes and flows for the locations where the site access road will cross drainages?

Response: The attached permits provide an anticipated flow for the larger drainage closest to the site. Per the attached permit, a 24" culvert is to be placed at that location. At all other minor drainage crossings, it is the contractors responsibility to provide site access throughout construction and to plan site access accordingly.

3. **Question:** Is there a typical section and/or additional details that can be provided for the site access road?

Response: Per Section 01010 Part 1.09 of the project specifications, the contractor is responsible for constructing the access road as necessary to meet the project needs. This is a temporary, primitive road that FWP will use very occasionally after the project is complete. FWP understands that without an engineered site access road they may have to do minor work to make the road

useable in the future when they need to access the site. Additional information regarding the access road can be found in the attached permits.

4. **Question:** Is there a predetermined excavation depth for constructing the berm?

Response: Per the project plans and specifications, the A horizon material is to be stripped to native subgrade depth. The subgrade is to then be prepped in accordance with Section 02210 Part 3.02.

5. **Question:** Are contractors aware of load limits on some of the highways in the area?

Response: It is the contractor's responsibility to be aware of highway load limits.

6. **Question:** It is uncertain whether or not the rock debris at the project location meets the project riprap specifications, particularly as it pertains to the larger material. How should we handle that?

Response: Per Section 02270 Part 3.01, the rock onsite may be used for riprap but it is the responsibility of the contractor to verify that the rock used meets the project specifications. FWP will allow the contractor to mix onsite material with imported material if necessary as long as it is verified that the end product meets projects specifications. It is the contractor's responsibility to bid accordingly.

7. **Question:** The contract documents state that the project must be complete within 60 calendar days of receiving the notice to proceed and there will be liquidated damages of \$500 per day if work is not completed within the specified time. Is there any flexibility in that schedule?

Response: The 60 calendar days is a product of previous bidding schedules where it was vital to complete the project before winter. As long as the project is complete by September 15, 2019 FWP will not assess liquidated damages. If the project extends beyond that date, FWP may assess liquid damages in the amount of \$500 per calendar day.

8. **Question:** Can concrete washout be left/buried on site or must it be hauled away?

Response: Concrete washout can be buried on site.

9. **Question:** As discussed on site at the walkthrough, there may be a chance that contractors cannot place fill in the wetland. If this is true, the bottom section of the access road will need to be excavated into the hillside that has solid rock outcropping present. Is blasting anticipated? Can this material be screened and used as Type C fill?

Response: It is true that the project is not permitted for fill to be placed in the French Creek drainage wetlands downstream of the barrier site. However, that does not mean that excavation, compaction, and clearing of a minimally impacted area necessary for site access in accordance with the project permits is not allowed. Blasting had not been previously anticipated, but contractors may decide it necessary to build the access road per Section 01010 Part 1.09 of the project specifications. Material meeting the project specifications for Type C fill may be used but contractor will be responsible to provide verification that material meets project specifications.

10. **Question:** Can the awarded contractor start working on the access road and screening prior to start of contract time?

Response: Yes. See question 7 above.

11. **Question:** Would it be acceptable to start work prior to spring runoff and suspend/stop time during runoff and complete the project when weather permits?

Response: Things such as construction of the access road and screening can be completed early. Working in the active stream and/or river corridor prior to spring runoff would not be allowed.

12. **Question:** The technical specifications state there is a Stormwater Permit and Erosion and Sedimentation Plan in place. Are these available to post?

Response: All permits that FWP has applied for or received are attached. It is the contractor's responsibility to be aware of any additional applicable federal, state, or local laws or permits and to obtain permits accordingly.

13. **Question:** Are there any environmental restrictions in place to refer to prior to bidding to assist in determining allowable stream diversion options?

Response: All permits that FWP has applied for or received are attached. It is the contractor's responsibility to be aware of any additional applicable federal, state, or local laws or permits and to obtain permits and bid accordingly.

14. **Question:** Type C fill is stockpiled and owned by FWP. Is this free material, i.e. at no cost to the contractor assuming contractor performs all testing and certifications?

Response: Yes. However, contractor is also responsible for screening and hauling.

15. **Question:** Section 3.2.7 of the General Conditions references the geotechnical report for contractors to review. Is this available to post prior to bid date?

Response: This report can be found online at:

fwp.mt.gov/fwpDoc.html?id=61292

16. **Question:** The plans mention a Field Safety Instruction document. Is this available to post?

Response: This note in the plans assumes that contractors will have some sort of company safety protocol and this safety protocol will be followed throughout the project by all contractors and subcontractors. If contractors do not have a specific safety protocol they are still required to operate under federal, state, and local safety regulations (i.e. OSHA).

17. **Question:** Can you quantify the amount/pattern of required anchors and depth to drill each anchor? What bid item is this work included under? If competent rock is not encountered, how will this be addressed in the field?

Response: Rock anchor shall be ASTM A615, Grade 60 No. 6 rebar. Contractors shall assume that rock anchor shall be 18" O.C. embedded minimum 18" into bedrock. Anchor installed perpendicular to bedrock surface and extend 32" into concrete or to top of concrete less minimum cover. Remove surficial material to expose competent bedrock as determined by onsite oversight engineer. Install anchor along entire footing width and along entire wall height. Clean hole with air or water prior to inserting resin and rock anchor.

This is under bid item #4.

If competent bedrock is not encountered the structure will be completed with the full extent of footers and walls as shown on the plans. Encountering competent bedrock will reduce the amount of excavation and concrete required.

END OF ADDENDUM NO.1



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA, MONTANA 59626

September 10, 2018

Regulatory Branch
Montana State Program
Corps No. **NWO-2017-01539-MTH**

Subject: MTFWP - Fish Barrier Construction - French Creek - (Deer Lodge County)

Jim Olsen
Montana fish, Wildlife & Parks
1820 Meadowlark Ln
Butte, Montana 59701

Dear Mr. Olsen:

We are responding to your request for Nationwide Permit (NWP) verification for the above-mentioned project. The project is located at Latitude 45.92139°, Longitude - 113.09341°, on or near French Creek, within Section 16, Township 2 N, Range 12 W, Deer Lodge County, Montana.

Specifically, you requested authorization for the following work in waters of the U.S.:

Work Item	Description
a.	The proposed project will consist of constructing a concrete fish barrier near the downstream boundary of the Mount Haggin Wildlife Management Area. The structure would be 220 feet wide and would span the width of the valley bottom in this location. The barrier would be constructed of an earthen berm with a concrete spillway constructed in such a fashion as to prevent upstream fish passage. The concrete spillway will consist of two (2) drops, the first will be a 4-foot drop onto a 16-foot sloped apron then drops another 5 feet onto the stream channel bed.

Under the authority of Section 404 of the Clean Water Act (CWA), DA permits are required for the discharge of fill material into waters of the U.S. Waters of the U.S. include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis.

Based on the information you provided, the proposed activity, permanently affecting approximately 3.35 acres of adjacent wetland and 900 linear feet of French Creek authorized by Regional General Permit GP-00-02, Fish Barriers and Fish Screens, found in the January 6, 2017, Federal Register (82 FR 1860), Reissuance of Nationwide Permits. Enclosed is a fact sheet that fully describes this NWP and lists the General and Regional Conditions that must be adhered to for this authorization to remain valid. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.

In addition to conditions referenced above, the following special conditions apply:

Condition	Description
1.	<p>The permittee must submit annual monitoring reports to the Corps for a period of 5 years, or until the mitigation is determined complete by a US Army Corps of Engineer's Project Manager. The reports shall detail the status of the restoration site as defined in the monitoring plan submitted by the Montana Fish Wildlife and Parks to this office on August 30, 2018. The first report is due on November 1st after the first growing season following completion of the fish barrier.</p> <p>A wetland delineation will be conducted in accordance with the 1987 Corps of Engineers Wetland Delineation Manual to determine final wetland gain and be included in the final monitoring report.</p>

You are responsible for ensuring that all work is performed in accordance with the terms and conditions of the NWP. If a contractor or other authorized representative will be conducting work on your behalf it is strongly recommended that they be provided a copy of this letter and the enclosed conditions. Failure to comply with the General and Regional Conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization and may be subject to appropriate enforcement action.

The Montana Department of Environmental Quality has provided the enclosed CWA Section 401 water quality certification for this NWP which includes General Conditions, all of which must be complied with for that certification to remain valid. This does not eliminate the need to obtain other permits that may be required by that agency.

This verification is valid until March 18, 2022, when the existing NWPs are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified, reissued or revoked, you will have twelve (12) months from the date of the modification, reissuance or revocation of the NWP to complete the activity under the present terms and conditions unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with

33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Project specific special conditions listed in this letter continue to remain in effect after the NWP verification expires, unless the district engineer removes those conditions. Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

In compliance with General Condition 30, we have enclosed a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the terms and conditions of the NWP.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

Please refer to identification number **NWO-2017-01539-MTH** in any correspondence concerning this project. If you have any questions, please contact Timothy McNew at Helena Regulatory Office 10 West 15 Street, Suite 2200 Helena, Montana 59626, by email at Timothy.M.McNew@usace.army.mil, or telephone at (406) 441-1375.

Sincerely,
MCNEW.TIMOTHY
Y.M.1282229745

Digitally signed by
MCNEW.TIMOTHY.M.1282229745
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA, cn=MCNEW.TIMOTHY.M.1282229745
Date: 2018.09.10 14:25:16 -06'00'

for Todd N. Tillinger P.E.
Montana Program Manager

Enclosures:
Compliance Certification
GP-00-02 Fact Sheet with Regional Conditions
Montana DEQ CWA Section 401 Water Quality Certification

COMPLIANCE CERTIFICATION

Corps File Number: NWO-2017-01539-MTH

Permit Type: Regional General Permit GP-00-02-Fish Barriers and Fish Screens

Name of Permittee: Montana Fish Wildlife and Parks

County: Deer Lodge County, Montana

Date of Issuance: September 10, 2018

Corps Project Manager: Timothy McNew

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US Army Corps of Engineers
Omaha District
Helena Regulatory Office
10 West 15 Street, Suite 2200
Helena, Montana 59626

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the conditions of this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT

Permittee: General Public

Permit No.: GP-00-02 (Corps File No. NWO-2000-21-002-MTH), Amendment 4

Issuing Office: US Army Corps of Engineers, Omaha District, Helena Regulatory Office

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

FISH BARRIERS & FISH SCREENS WITHIN THE STATE OF MONTANA

Appendix A lists application information.

Structures or fills designed to permanently or temporarily isolate fish populations for fish management purposes shall be authorized under this general permit. Proposals for permanent barriers must include an evaluation of maintenance needs associated with the screen or barrier, including bedload/debris accumulation. Construction of fish screens or barriers to prevent fish and aquatic species entrainment in irrigation facilities, hydroelectric facilities, water intakes, etc. are also authorized by this general permit.

Project Location: Jurisdictional waters of the United States in Montana

This Regional General Permit expires on August 31, 2021.

Permit Conditions:

1. The time limit for completing the work authorized ends two (2) years from the date authorization of each project. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 45 days prior to the expiration date.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 19 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good

faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the federal, tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If threatened or endangered species are sighted at or near the project site, particularly during construction, work must cease and the U.S. Fish and Wildlife Service contacted immediately at (406) 449-5225.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification will be attached if approved.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. All construction debris will be disposed of on land in such a manner that it cannot enter a waterway, wetland, or other aquatic area.
8. Equipment for handling and conveying materials during construction must be operated to prevent unplanned and unapproved dumping or spilling of material into the waterway. All equipment must be cleaned of any oil, grease and debris prior to entering waterway.
9. Prevent materials spilled or stored on shore from washing into the water as a result of cleanup activities, natural runoff, or flooding.
10. Perform all work in the waterway in a manner that minimizes suspended solids and turbidity.
11. Utilize only clean material free from excessive fines in order to avoid excessive local turbidity, unless the approved fill material is fine-grained.
12. All erosion control blanket or fabric used in or adjacent to waters of the U.S. must be biodegradable to ensure decomposition. Do not use material that includes a stabilized netting or open mesh, as those products take a long time to degrade and trap small animals, birds, amphibians and fish. This prohibition also applies to mesh materials used for wattles, rolled materials, and bank wraps. Erosion control blanket or fabrics must break down within 24

months Use of non-degradable fabric can be allowed on a case-by-case basis if it is buried and is unlikely to be exposed.

13. Limit clearing of riparian or wetland vegetation to the absolute minimum necessary. Where temporary riparian or wetland vegetation impacts are unavoidable, it must be mowed or cut off above the ground and the topsoil and root mass must be left intact. The ground must then be restored to its original contours. Utilize seeding and planting as necessary to re-establish desirable vegetative cover, utilizing native species in areas where native species were impacted.
14. Mitigation will be required for unavoidable adverse impacts to jurisdictional wetlands. The permittee will be required to mitigate wetland loss in accordance with the most recent Corps guidance and policy.
15. Disturbed areas shall be monitored following the project construction and noxious weeds (i.e., Canada thistle, purple loosestrife, leafy spurge and other invasive exotic species) controlled in accordance with Montana State law.
16. Place all dredged or excavated materials, with the exception of that authorized herein, on upland areas and in such a manner as to not re-enter any aquatic area.
17. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
18. The permittee is responsible for all work accomplished in accordance with the terms and conditions of this authorization. If a contractor or other authorized representative will be accomplishing the work hereby authorized in behalf of the permittee, such parties shall be provided a copy of this authorization so they are aware of the terms and conditions. An activity which fails to comply with the terms and conditions of this authorization will be considered unauthorized and all responsible parties will be subject to appropriate enforcement action.
19. To protect the interests of the United States under Section 10 of the Rivers and Harbors Act in Montana's **navigable waters** (Missouri River, Yellowstone River, and a portion of the Kootenai River), the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby,

without expense to the United States. No claim shall be made against the United States on account of such removal or alteration.

20. If the permittee sells the property associated with this RGP, the permittee may transfer the permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the RGP verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this RGP and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."
21. This verification is valid for two years from the date of issuance or until August 30, 2021. If you commence or are under contract to commence this activity before the date that this RGP is modified, reissued or revoked, you will have twelve (12) months from the date of the modification, reissuance or revocation of the RGP to complete the activity under the present terms and conditions unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d).

(Transferee)

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of

your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

<u>John W. Henderson</u> (DISTRICT ENGINEER) COLONEL, CORPS OF ENGINEERS DISTRICT COMMANDER	_____ (DATE) BY: _____ MARTHA CHIEPLY Chief, Regulatory Branch
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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

_____ (TRANSFeree)	_____ (DATE)
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APPENDIX A
STATE OF MONTANA-GENERAL PUBLIC
REGIONAL GENERAL PERMIT 00-02, Amendment 4

All applications for consideration under this Regional General Permit will be reviewed by the Corps of Engineers from a hydraulic viewpoint with the intent of requiring individual permit processing for any project which may reasonably be expected to initiate or accelerate bank erosion.

APPLICATION PROCEDURES

1. To receive consideration under this Regional General Permit, the applicant will be required to submit a Notice of Intent to construct a particular project to the:

US ARMY CORPS OF ENGINEERS
HELENA REGULATORY OFFICE
10 WEST 15TH STREET SUITE 2200
HELENA, MT 59626
PHONE: (406) 441 - 1375 (FAX) 441 -1380

2. The Notice of Intent, submitted by the applicant must clearly describe the proposed work so the Montana Program Manager can clearly determine whether or not the proposed work complies with the terms, conditions, and limitations of this General Permit, and must contain the following information.

a. A cover letter describing the proposed work and indicating how the anticipated work will be accomplished.

b. A drawing or sketch showing the size and location of the proposed structures and their relationship to other proposed or existing structures.

c. A clearly marked site location map.

3. Prior to submitting a Notice of Intent to the Corps of Engineers, any work proposed by a private party must be coordinated with and approved by the Montana Department of Fish, Wildlife, & Parks (MTFW&P). Verification of the MTFW&P's approval should accompany the Notice of Intent to the Helena Regulatory Office.

Applicants can seek approval from the MTFW&P office nearest the project site.

a. Region 1 - 490 North Meridian Road, Kalispell, MT 59901

b. Region 2 - 3201 Spurgin Road, Missoula, MT 59804

- c. Region 3 - 1400 South 19th, Bozeman, MT 597 1 8
- d. Region 4 - 4600 Giant Springs Rd, Great Falls, MT 59405
- e. Region 5 - 2300 Lake Elmo Drive, Billings, MT 59105
- f. Region 6 - Route 1 - 42 10, Glasgow, MT 59230
- g. Region 7 - P.O. Box 1630, Miles City, MT 59301

4. For projects within the boundaries of the Indian Reservations, the Tribal Natural Resource Department will fulfill the role of the MTFW&P as described above.

CRITERIA

The following criteria will govern the duration, utilization and applicability of this Regional General Permit.

1. The cumulative impacts of this Regional General Permit may be subject to reevaluation at the discretion of the District Engineer at any time, but will be reevaluated at least every five (5) years.
2. Projects that otherwise meet the terms of this Regional General Permit will not be authorized if they adversely impact any of the following resources:
 - a. Historic, cultural, or archeological sites or practices as provided in the National Historic Preservation Act of 1966.
 - b. Sites included in the National Register of Natural Landmarks which are published periodically in the Federal Register.
 - c. Sites included in the most current listing of the National Register of Historic Places or sites known to be eligible for such listing and all monthly supplements as published periodically in the Federal Register.
 - d. Projects which would cut off or block tributaries, oxbows, side channels, chutes or other backwater areas unless such blockage is designed to isolate fish populations for beneficial fish management purposes.
 - e. Projects on Federally designated Wild and Scenic Rivers (unless written approval is granted by the managing agency).



August 22, 2016

Tim McNew
U.S. Army Corps of Engineers
10 West 15th Street, Suite 2200
Helena, Montana 59626

USACE Application Number: RGP No. 00-02
Applicant: General Public
Location: State of Montana

Dear Mr. McNew:

The Montana Department of Environmental Quality (DEQ) reviewed your application for 401 Water Quality Certification. The following outlines DEQ's **final determination**:

Description:

RGP 00-02 will authorize structures or fills designed to permanently or temporarily isolate fish populations for management purposes. Proposals for permanent barriers must include an evaluation of maintenance needs associated with the screen or barrier, including bedload and debris accumulation. Construction of fish screens or barriers to prevent fish and aquatic species entrainment in structures such as, but not limited to, irrigation facilities, hydroelectric facilities and water intakes will be authorized under this Regional General Permit.

401 Water Quality Certification General:

Section 401 of the Federal Clean Water Act provides DEQ the jurisdiction to implement the Montana Water Quality 401 Certification. 401 Certification is a federal/state cooperative program that increases the role of the state in decisions regarding the protection of natural resources. The program gives the state authority to review proposed activities affecting state waters and deny or place conditions on federal permits or licenses that authorize if the proposed may violate state water quality standards. State water quality standards were adopted to protect, maintain, and improve the quality of water, including uses for public water supplies, wildlife, fish and aquatic life, agriculture, industry, recreation, and other beneficial uses.

State water quality standards include the beneficial uses of a water body, the numeric and narrative water quality criteria that are necessary to protect the uses of the water body and a nondegradation policy. In the event beneficial uses, such as aquatic habitat or aquatic life are unavoidably impacted or lost, conditions of the 401 certification may require the applicant to provide compensatory mitigation for the impacts or losses.

Specific Conditions:

1. RGP 00-02 is denied in waters designated Outstanding Resource Waters in ARM 17.30.617. Outstanding Resource Waters include those located wholly within the boundaries of designated national parks and wilderness areas as of October 1, 1995.
2. All work in and near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before clearing, filling, and grading work and shall be maintained throughout construction.
3. Isolation of in-water work areas: Isolation of in-water work areas should be accomplished to the maximum extent practicable. Methods of isolation include, but are not limited to: timing work at low water so as to effectively work in the dry; using silt curtains, cofferdams, inflatable bags, geo blocks, sandbags, sheet pilings, or similar materials for isolation techniques.
4. Turbidity: All practical BMPs on disturbed banks and within waters must be implemented to minimize turbidity during in-water work.
5. Clean Fill Criteria: The Applicant shall ensure that fill (soil) placed for the proposed project does not contain toxic materials in toxic amounts.
6. Deleterious Waste Materials: All construction debris, excess sediment, and other solid waste material shall not be stockpiled below the Ordinary High Water Mark (OHWM) and shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
7. Spill Prevention: Vehicles must be fueled, operated, maintained, and stored in upland areas that minimize disturbance to habitat and prevent contamination to any surface water.
 - a. No petroleum products, fresh concrete, lime, wash water, chemicals, or other toxic or harmful materials shall be allowed to enter state waters.
 - b. All equipment is to be inspected for oil, gas, diesel, antifreeze, hydraulic fluid and other petroleum leaks. All such leaks will be properly repaired and equipment cleaned prior to being brought on site. The equipment is not allowed to continue operating upon discovery of the leak and will be removed from the project area until it is repaired.
8. Cut Slopes Adjacent to Waterbodies: Ensure cut slopes adjacent to waterbodies are stabilized and revegetated to prevent further erosion into state waters.

401 Water Quality Certification:

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards.

Please contact Water Protection Bureau Staff at (406) 444-3080, if you have questions.

Sincerely,



Jon Kenning
Bureau Chief
Water Protection Bureau
Department of Environmental Quality



July 2, 2018

Jim Olsen
Montana Fish Wildlife and Parks
1820 Meadow Lark Lane
Butte, MT 59701

RE: Authorization No. **MTB008518** Short-Term Water Quality Standard for Turbidity Related
To Construction Activity Pursuant to 75-5-318, MCA
Valid July 2, 2018 through July 2, 2019

Dear Mr. Olsen:

The Montana Department of Environmental Quality Water Protection Bureau has completed our review of your application for activity on **French Creek (SE1/4NW1/4 Section 16, Township 02 North, Range 12 West) in Deer Lodge County**. This activity herewith is qualified for a temporary surface water quality turbidity standard if it is carried out in accordance with the following conditions:

- (1) Construction activities in or near the watercourse are to be limited to the minimum area necessary, and conducted so as to minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation,
- (2) The use of machinery in the watercourse shall be avoided unless absolutely necessary. To prevent leaks of petroleum products into waterways, no defective equipment shall be operated in the watercourse or adjacent areas capable of contributing surface flow to the watercourse,
- (3) Precautions shall be taken to prevent spillage of any petroleum products, chemicals or other deleterious material in or near the watercourse, and no equipment shall be fueled or serviced in adjacent areas capable of contributing surface flow to the watercourse,
- (4) All disturbed areas on the streambank and adjacent areas created by the construction activity shall be protected with temporary erosion control during construction activities. These areas shall be reclaimed with appropriate erosion control measures and revegetated to provide long-term erosion control,

- (5) Any excess material generated from this project must be disposed of above the ordinary high-water mark, not classified as a wetland, and in a position not to cause pollution to State waters,
- (6) Clearing of vegetation will be limited to that which is absolutely necessary for construction of the project,
- (7) The use of asphalt or petroleum-based products as riprap is strictly prohibited. Its use as fill material is also prohibited if it is placed in a location where it is likely to cause pollution of State waters,
- (8) This authorization does not authorize a point source surface water discharge. A MPDES permit is required for said discharge, and
- (9) The applicant must conduct all activities in full and complete compliance with all terms and conditions of any permit for this activity issued pursuant to the Montana Natural Streambed and Land Preservation Act (310 permit) or the Montana Stream Protection Act (124 permit), and any valid Memorandum of Agreement and Authorization (MAA) negotiated for this activity, and

This authorization is valid for the period noted. No authorization is valid for more than a one-year period of time.

Any violations of the conditions of this authorization may be subject to an enforcement action pursuant to the applicable provisions of the Montana Water Quality Act.

This authorization is granted pursuant to 75-5-318, MCA, and only applies to the activity described by your application. Any modification of the activity described in your application which may result in additional turbidity in the stream must receive prior approval from the Department. You may contact me at (406) 444-3080.

Sincerely,



Jon Kenning
Bureau Chief
Water Protection Bureau
Permitting & Compliance Division

cc: Deer Lodge Valley Conservation District
File



November 18, 2018

Jim Olsen
Montana Fish Wildlife and Parks
1820 Meadow Lark Lane
Butte, MT 59701

RE: Authorization No. **MTB008518-Extension** Short-Term Water Quality Standard for Turbidity Related

To Construction Activity Pursuant to 75-5-318, MCA
Valid November 18, 2018 through November 18, 2019

Dear Mr. Olsen:

The Montana Department of Environmental Quality Water Protection Bureau has completed our review of your application for activity on **French Creek (SE1/4NW1/4 Section 16, Township 02 North, Range 12 West) in Deer Lodge County**. This activity herewith is qualified for a temporary surface water quality turbidity standard if it is carried out in accordance with the following conditions:

- (1) Construction activities in or near the watercourse are to be limited to the minimum area necessary, and conducted so as to minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation,
- (2) The use of machinery in the watercourse shall be avoided unless absolutely necessary. To prevent leaks of petroleum products into waterways, no defective equipment shall be operated in the watercourse or adjacent areas capable of contributing surface flow to the watercourse,
- (3) Precautions shall be taken to prevent spillage of any petroleum products, chemicals or other deleterious material in or near the watercourse, and no equipment shall be fueled or serviced in adjacent areas capable of contributing surface flow to the watercourse,
- (4) All disturbed areas on the streambank and adjacent areas created by the construction activity shall be protected with temporary erosion control during construction activities. These areas shall be reclaimed with appropriate erosion control measures and revegetated to provide long-term erosion control,

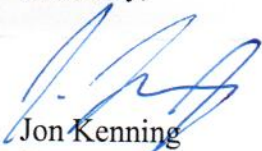
- (5) Any excess material generated from this project must be disposed of above the ordinary high-water mark, not classified as a wetland, and in a position not to cause pollution to State waters,
- (6) Clearing of vegetation will be limited to that which is absolutely necessary for construction of the project,
- (7) The use of asphalt or petroleum-based products as riprap is strictly prohibited. Its use as fill material is also prohibited if it is placed in a location where it is likely to cause pollution of State waters,
- (8) This authorization does not authorize a point source surface water discharge. A MPDES permit is required for said discharge, and
- (9) The applicant must conduct all activities in full and complete compliance with all terms and conditions of any permit for this activity issued pursuant to the Montana Natural Streambed and Land Preservation Act (310 permit) or the Montana Stream Protection Act (124 permit), and any valid Memorandum of Agreement and Authorization (MAA) negotiated for this activity, and

This authorization is valid for the period noted. No authorization is valid for more than a one-year period of time.

Any violations of the conditions of this authorization may be subject to an enforcement action pursuant to the applicable provisions of the Montana Water Quality Act.

This authorization is granted pursuant to 75-5-318, MCA, and only applies to the activity described by your application. Any modification of the activity described in your application which may result in additional turbidity in the stream must receive prior approval from the Department. You may contact me at (406) 444-3080.

Sincerely,



Jon Kenning
Bureau Chief
Water Protection Bureau
Permitting & Compliance Division

cc: Deer Lodge Valley Conservation District
File



Montana Fish, Wildlife & Parks

Issue Date: 06/06/2018
1420 E. Sixth Avenue
P.O. Box 200701
Helena, Montana 59620-0701

Mark Deleray, Region 3 Supervisor
Attn: Jim Olsen, Region 3 Biologist
Montana Department of Fish Wildlife and Parks
1820 Meadowlark Lane
Butte, Montana 59701

SPA No.: FWP-R3-29-2018
French Creek Fish Barrier
French Creek
Pre-Construction

Dear Mr. Olsen:

Montana Fish, Wildlife & Parks (FWP) has reviewed the Joint Application for pre-construction activities related to FWP's French Creek Fish Barrier Installation Project on French Creek near Wise River. The proposed work is authorized in accordance with the Montana Stream Protection Act (SPA) provided the following General and Special conditions listed below are met:

General Conditions:

- Adhere to the general provisions listed in Subsection 208.03.3 of the 2014 edition of the MDT Standard Specifications for Road and Bridge Construction.
- Comply with all the conditions as included in the Preconstruction SPA 124 authorization and the STREAM PROTECTION AUTHORIZATION 124 special provision in the contract bid package.

Special Conditions:

- None.

The authorization is valid for two years from the date of issuance.

The proposed work exceeds the scope of the Programmatic Environmental Assessment for a FWP issued Water Quality Discharge Permit (318 Permit) therefore application to the Montana Department of Environmental Quality for 318 Permit is required.

If you have any questions, please contact me at 444-3175 and reference SPA No.: FWP-R3-29-2018.

Sincerely,

Jonathan Ferree
SPA 124 Program Manager
Montana Fish, Wildlife & Parks

Copy: FWP Region 3 – Mark Deleray

Revised: 6/5/15 (310 form 270). Form may be downloaded from: www.dnrc.mt.gov/licenses-and-permits/stream-permitting

AGENCY USE ONLY: Application # _____ Date Received _____
Date Accepted _____ / Initials _____ Date Forwarded to DFWP _____

This space is for all Department of Transportation and SPA 124 permits (government projects).

Project Name _____

Control Number _____ Contract letting date _____

MEPA/NEPA Compliance ☐ Yes ☐ No If yes, #14 of this application does not apply.

JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS, AND OTHER WATER BODIES

Use this form to apply for one or all local, state, or federal permits listed below. The applicant is the responsible party for the project and the point of contact unless otherwise designated. "Information for Applicant" includes agency contacts and instructions for completing this application. To avoid delays, submit all required information, including a project site map and drawings. Incomplete applications will result in the delay of the application process. Other laws may apply.

The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work.

<input checked="" type="checkbox"/>	<u>PERMIT</u>	<u>AGENCY</u>	<u>FEE</u>
<input type="checkbox"/>	310 Permit	Local Conservation District	No fee
<input type="checkbox"/>	SPA 124 Permit	Department of Fish, Wildlife and Parks	No fee
<input type="checkbox"/>	Floodplain Permit	Local Floodplain Administrator	Varies by city/county (\$25 - \$500+)
<input type="checkbox"/>	Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers	Varies (\$0 - \$100)
<input type="checkbox"/>	318 Authorization 401 Certification	Department of Environmental Quality	\$250 (318); \$400 - \$20,000 (401)
<input type="checkbox"/>	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation, Trust Lands Management Division	\$50, plus additional fee

A. APPLICANT INFORMATION

NAME OF **APPLICANT** (person responsible for project): Jim Olsen, MT Fish Wildlife and Parks

Has the landowner consented to this project? ☒ Yes ☐ No

Mailing Address: Montana Fish Wildlife and Parks 1820 Meadow Lark Lane, Butte, MT 59701.

Physical Address: _____

Day Phone: 533-8451 Evening Phone: same E-Mail: jimolsen@mt.gov

NAME OF **LANDOWNER** (if different from applicant): FWP, MT Haggin Wildlife Management Area

Mailing Address: _____

Physical Address: _____

Day Phone: _____ Evening Phone: _____ E-Mail: _____

NAME OF **CONTRACTOR/AGENT** (if one is used): To be determined

Mailing Address: _____

Physical Address: _____

Day Phone: _____ Evening Phone: _____ E-Mail: _____

B. PROJECT SITE INFORMATION

NAME OF **STREAM** or **WATER BODY** at project location Unnamed tributary to French Creek Nearest Town Wise River MT

Address/Location: 15 miles NW Wise River MT Geocode (if available): _____

SE 1/4 SE 1/4 1/4, Section 16, Township 2N, Range 12W County Deerlodge

Longitude -113.094278, Latitude 45.919217

The state owns the beds of certain state navigable waterways. Is this a state navigable waterway? Yes or No.
If yes, send copy of this application to appropriate DNRC land office – see Information for Applicant.

ATTACH A PROJECT SITE MAP OR A SKETCH that includes: 1) the water body where the project will take place, roads, tributaries, landmarks; 2) a circled "X" representing the exact project location. IF NOT CLEARLY STATED ON THE MAP OR SKETCH, **PROVIDE WRITTEN DIRECTIONS TO THE SITE.**

C. PROJECT INFORMATION

1. **TYPE OF PROJECT** (check all that apply)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Bridge/Culvert/Ford Construction | <input type="checkbox"/> Fish Habitat | <input type="checkbox"/> Mining |
| <input type="checkbox"/> Bridge/Culvert/Ford Removal | <input type="checkbox"/> Recreation (docks, marinas, etc.) | <input type="checkbox"/> Dredging |
| <input type="checkbox"/> Road Construction/Maintenance | <input type="checkbox"/> New Residential Structure | <input type="checkbox"/> Core Drill |
| <input type="checkbox"/> Bank Stabilization/Alteration | <input type="checkbox"/> Manufactured Home | <input type="checkbox"/> Placement of Fill |
| <input type="checkbox"/> Flood Protection | <input type="checkbox"/> Improvement to Existing Structure | <input type="checkbox"/> Diversion Dam |
| <input type="checkbox"/> Channel Alteration | <input type="checkbox"/> Commercial Structure | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Irrigation Structure | <input type="checkbox"/> Wetland Alteration | <input type="checkbox"/> Pond |
| <input type="checkbox"/> Water Well/Cistern | <input type="checkbox"/> Temporary Construction Access | <input type="checkbox"/> Debris Removal |
| <input type="checkbox"/> Excavation/Pit | <input type="checkbox"/> Other <u> Fish Barrier </u> | |

2. **PLAN OR DRAWING** of the proposed project **MUST** be attached. **This plan or drawing must include:**

- | | |
|--|--|
| • a plan view (looking at the project from above) | • a cross section or profile view |
| • dimensions of the project (height, width, depth in feet) | • an elevation view |
| • location of storage or stockpile materials | • dimensions and location of fill or excavation sites |
| • drainage facilities | • location of existing or proposed structures, such as buildings, utilities, roads, or bridges |
| • an arrow indicating north | |

3. **IS THIS APPLICATION FOR** an annual maintenance permit? ☐ Yes **X** No
(If yes, an annual plan of operation must be attached to this application – see "Information for Applicant")

4. **PROPOSED CONSTRUCTION DATE.** Include a project timeline. Start date 7 / 1 / 18
Finish date 12 / 30 / 18 Is any portion of the work already completed? ☐ Yes **X** No
(If yes, describe the completed work.)

5. **WHAT IS THE PURPOSE** of the proposed project?

The purpose of this project is to construct a road accessing the French Creek fish barrier site. The road will cross an unnamed tributary stream and a culvert is being proposed at this crossing.

6. **PROVIDE A BRIEF DESCRIPTION** of the proposed project.

A fish barrier is being proposed for French Creek near the downstream boundary of the Mt Haggin Wildlife Management Area (Figure 1). To access the construction site a road will be constructed from private property to the south to the barrier site. The design road width will be 12 ft with approximately 2:1 side slopes. The road will cross a small drainage with a perennially flowing stream. The stream does not support a fishery. To cross the stream a 24 ft long 24-inch diameter culvert will be installed. The culvert will be imbedded a minimum of 6 inches into the streambed and set at the same grade as the channel. Approximately 3 ft of fill will be placed on top of the floodplain of the stream (1 ft on top of the culvert). Riprap will be placed upstream and downstream of the culvert to prevent erosion.

7. **WHAT IS THE CURRENT CONDITION** of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands.

The existing site conditions consist of a healthy riparian bottom with abundant willows and sedges lining the streambanks. The riparian area is flanked on both sides by steep talus slopes which confine the valley bottom to 60 ft wide. There are no nearby structures upstream or downstream.

8. **PROJECT DIMENSIONS.** How many linear feet of bank will be impacted? How far will the proposed project encroach into and extend away from the water body?

The culvert will impact approximately 30 ft of stream bank.

9. **VEGETATION.** Describe the vegetation present on site. How much vegetation will be disturbed or covered with fill material during project installation? (Agencies require that only vegetation necessary to do the work be removed.) Describe the revegetation plan for all disturbed areas of the project site in detail.

The existing site conditions consist of a healthy riparian bottom with abundant willows and sedges lining the streambanks. Approximately 0.04 acres riparian vegetation will be disturbed during construction. Disturbed areas other than the road surface will be reseeded. The road surface itself will eventually be reclaimed but that would not likely happen for 5 years after construction when the fish removals are complete.

10. **MATERIALS.** Describe the materials proposed to be used. Note: This may be modified during the permitting process. It is recommended you do not purchase material until all permits are issued.

Cubic yards/Linear feet	Size and Type	Source
-------------------------	---------------	--------

The fill materials to be placed into waters of the US are as listed below:

Fill : 200 CY of local fill will be used for the road bed and subgrade at the culvert crossing. This fill be taken from the adjacent hillslope which will be lowered to accommodate the road. This fill consists of alluvial gravels and small (1 ft minus) angular parent rock.

Riprap: Class 1: 2 CY of 2.5 ft minus angular rock for culvert inlet and outlet collected on site

11. **EQUIPMENT.** List all equipment that will be used for construction of the project. How will the equipment be used on the bank and/or in the water? Note: Make sure equipment is clean and free of weeds, weed seeds, and excess grease before using it in the water waterway. To prevent the spread of aquatic invasive species, to the extent practical, remove mud and aquatic plants from heavy machinery and other equipment before moving between waters and work sites, especially in waters known to be infested with aquatic invasive species. Drain water from machinery and let dry before moving to another location.

Tracked excavators and dump trucks will be used to place the structure in the stream and place the fill. All machinery would be power-washed and inspected for noxious weeds prior to entering the site.

12. **DESCRIBE PLANNED EFFORTS TO MINIMIZE PROJECT IMPACTS.** Consider the impacts of the proposed project, even if temporary. What efforts will be taken to:

- Minimize erosion, sedimentation, or turbidity?

Construction will be done in low water conditions in the summer or fall. The stream is small (less than 0.1 cfs). Construction should be completed in less than 1 day. BMP's will be put in place on the road surface to prevent road related sediments from entering the stream.

- Minimize stream channel alterations?

The minimum road width necessary to get equipment to the construction site will be used which will minimize the impacts to the stream and the riparian area.

- Minimize effects to stream flow or water quality caused by materials used or removal of ground cover?

BMP's including straw wattles and/or silt fence will be installed to prevent road related sediments from entering the stream.

- Minimize effects on fish and aquatic habitat?

There are no fish in the stream. The minimum road width necessary to get equipment to the construction site will be used which will minimize the impacts to the stream and the riparian area.

- Minimize risks of flooding or erosion problems upstream and downstream?

The 24 inch culvert set at an approximate 4% slope can pass approximate 22 cfs at 50% capacity. The 100 year flood event for this stream is 20.2 cfs (stream stat).

- Minimize vegetation disturbance, protect existing vegetation, and control weeds?

Native sods and topsoil will be salvaged to the extent practicable and reused during site reclamation. All disturbed areas will be reseeded with an approved native seed mix.

All disturbed areas will be monitored annually for the presence of noxious weeds. If present weeds will be used either through mechanical means (pulling) or with approved herbicides.

13. WHAT ARE THE NATURAL RESOURCE BENEFITS of the proposed project?

The benefits of this project are providing access to the construction site of the French Creek Fish barrier which is for the conservation of westslope cutthroat trout and Arctic grayling which are native to the Big Hole River drainage and are species of special concern in Montana and at risk of further population decline and extirpation.

14. LIST ALTERNATIVES to the proposed project. Why was the proposed alternative selected?

No Action. If no action is taken and no access is provided to the construction site native fish could not be restored to French Creek. Non-native trout pose the largest threat to cutthroat trout conservation and the impacts to Arctic grayling are less understood. If no action is taken conservation of these 2 native species would be slowed. As more streams are restored for native fish, the risk of them becoming locally extinct is greatly diminished.

Alternative access exists from upstream but would require the construction of over 1 mile of road through the riparian area of French Creek. Further, the road would not provide access to the barrier site once construction was completed because it would be partially inundated by the water ponded above the fish barrier. This would reduce our ability to remove non-native fish and to provide long term maintenance of the fish barrier if needed.

The proposed project was selected because past experience indicates it is the most likely to produce the result of long-term conservation of native fishes.

D. ADDITIONAL INFORMATION FOR SECTION 404, SECTION 10, AND FLOODPLAIN PERMITS ONLY.

If applying for a Section 404 or Section 10 permit, fill out questions 1-3. If applying for a floodplain permit, fill out questions 3-6. (Additional information is required for floodplain permits – See "Information for Applicant.")

1. Will the project involve placement of dredged (excavated) and/or fill material below the ordinary high water mark, in a wetland, or other waters of the US? If yes, what is the surface area to be filled? How many cubic yards of fill material will be used? Note: Wetland delineations are required if wetlands are affected.

Yes, the fill materials to be placed are as listed below:

Fill 200 CY of 12 inch minus native fill

Riprap: <2 CY of 2.5 ft minus angular rock

The total footage of impact to waters of the US is approximate 50 ft²

Approximately 0.04 acres of wetland will be impacted through culvert and fill placement

The source of the riprap material will be from on site.

2. Description of avoidance, mitigation, and compensation (see Information for Applicant). Attach additional sheets if necessary.

None anticipated.

3. List the names and address of landowners adjacent to the project site. This includes properties adjacent to and across from the project site. (Some floodplain communities require certified adjoining landowner lists).

US Forest Service and BLM own small parcels of land upstream of the project site approximately ¾ miles.

Downstream landowners include:

John and Sandy Gordon, Juniper Acres Rd, Butte, MT, 59750

Phil Ralston, 54289 MT Highway 43, Wise River, MT 59762

Martin White, 3308 46th Ave. SE, Mandan ND, 58554-4730

4. List all applicable local, state, and federal permits and indicate whether they were issued, waived, denied, or pending. Note: All required local, state, and federal permits, or proof of waiver must be issued prior to the issuance of a floodplain permit.

SPA 124, DEQ 318, County Floodplain, USACE 401/404

5. Floodplain Map Number _____

6. Does this project comply with local planning or zoning regulations? ☒ Yes ☐ No

7. Proposals for permanent barriers must include an evaluation of maintenance needs associated with the screen or barrier, including bedload/ debris accumulation.

The fish barrier will be inspected annually for debris accumulation. Any debris accumulating on the structure that may affect its ability to pass water through it or may facilitate fish getting over it will be removed.

It is anticipated that over a period of a few year the pool upstream of the fish barrier will fill with sediments and the natural sediment transport will resume and incoming sediments will be balanced with sediment that is passed over the barrier.

E. SIGNATURES/AUTHORIZATIONS -- Each agency must have original signatures signed in blue ink.

After completing the form, make the required number of copies and **then sign each copy**. Send the copies with original signatures and additional information required directly to each applicable agency.

The statements contained in this application are true and correct. The applicant possess' the authority to undertake the work described herein or is acting as the duly authorized agent of the landowner. The applicant understands that the granting of a permit does not include landowner permission to access land or construct a project. Inspections of the project site after notice by inspection authorities are hereby authorized.

APPLICANT (Person responsible for project):

Print Name: _____

LANDOWNER:

Print Name: _____

Signature of Applicant

Date

Signature of Landowner

Date

*CONTRACTOR/AGENT:

Print Name: _____

Signature of Contractor/Agent

Date

*Contact agency to determine if contractor signature is required.

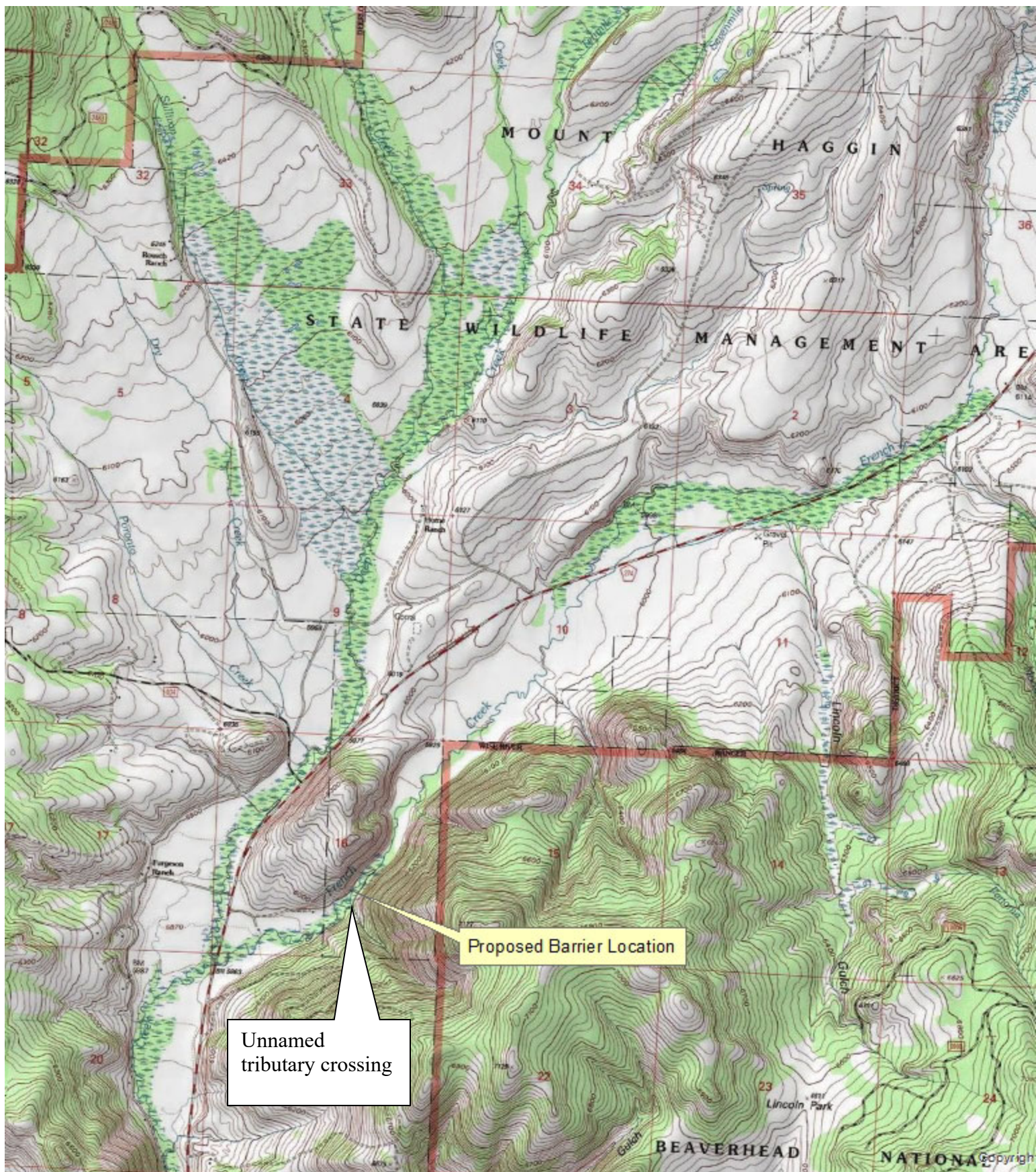


Figure 1. French Creek and unnamed tributary crossing.

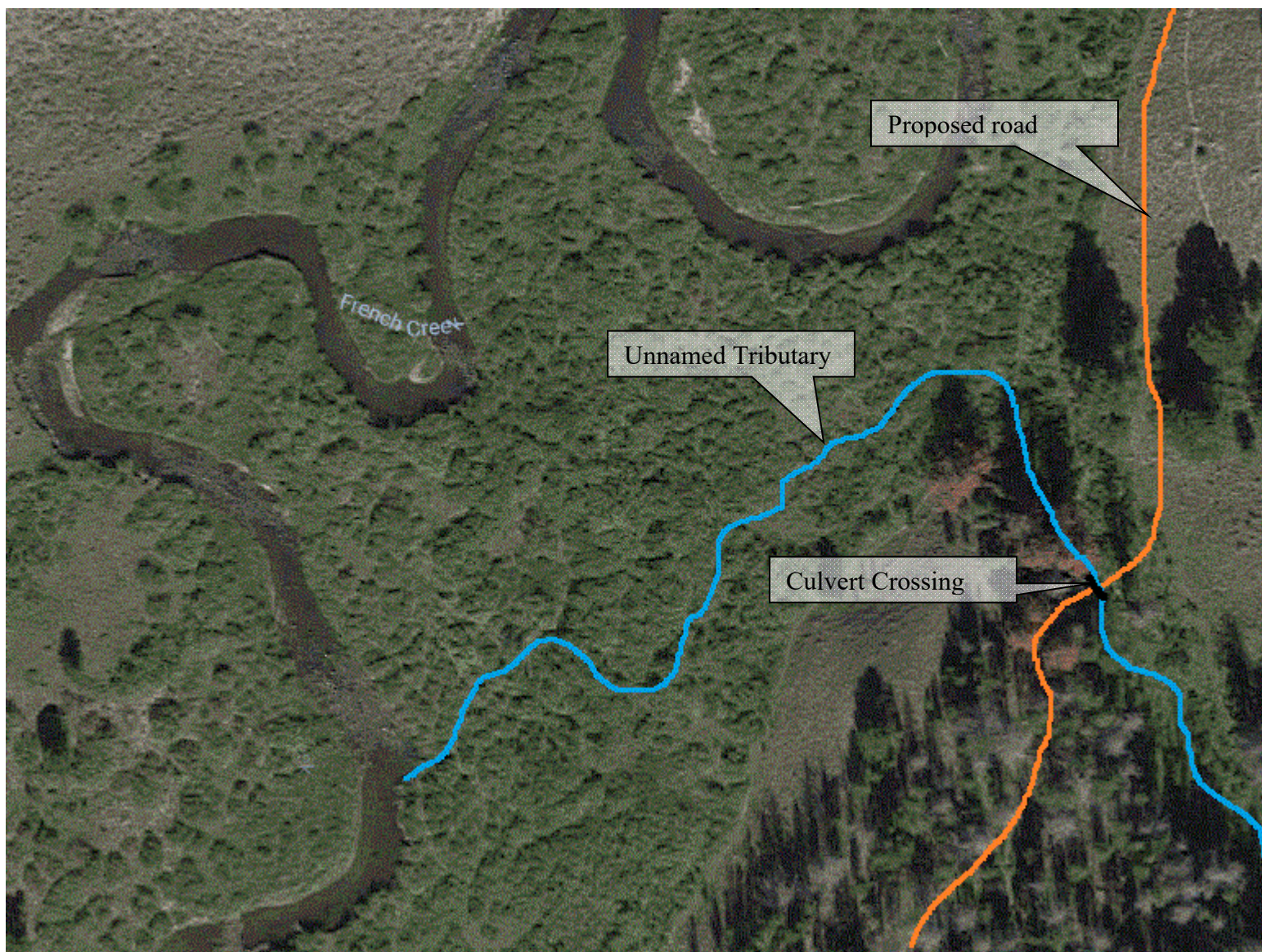


Figure 2. Aerial photo of proposed crossing on unnamed tributary to French Creek.